

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**JERRY MORGAN and
EMMA MORGAN,**

Plaintiffs,

vs.

**STANLEY SHAW and
GORDON BROWN,**

Defendants.

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Case No. 3:07-cv-276

**Formerly Chambers County
Circuit Court Case No: CV-06-224**

AMENDMENT TO NOTICE OF REMOVAL

COMES NOW Defendant Stanley Shaw, by and through counsel and pursuant to this Honorable Court's Order of April 4, 2007 (Doc. #2) amends his Notice of Removal (Doc. #1) to allege jurisdiction sufficiently to comport with said Order (Doc. #2) and 28 U.S.C. sections 1332 (diversity of citizenship) and 1441 (removal) and states as follows:

ALLEGATION OF JURISDICTION

Plaintiff Jerry Morgan is a citizen of the state of Alabama. Plaintiff Emma Morgan is a citizen of the state of Alabama. Defendant Stanley Shaw is a citizen of the state of Georgia. Unserved Defendant Brown is a citizen of Alabama whose citizenship should be disregarded because, as discussed in the Notice of Removal (Doc. #1), he was improperly/fraudulently joined as a defendant in this matter, and

because the Plaintiffs' only possibly viable claims in this case are asserted against Shaw, not Brown.

There exists, then, complete diversity between the Plaintiffs, citizens of Alabama and Stanley Shaw, a citizen of Georgia.

The matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. §1332.

Respectfully submitted this 17th day of April, 2007

/s/ Christopher J. Hughes
Attorney for Stanley Shaw

CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of April, 2007, I electronically filed the foregoing with the District Court of Alabama and a copy of said pleading was sent via U.S. mail to the following:

Joseph M. Tucker
P.O. Box 90
LaFayette, Alabama 36862

Circuit Clerk's Office
Chambers County, Alabama
2 Lafayette Street
LaFayette, AL 36862

/s/ Christopher J. Hughes
OF COUNSEL